

AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions and listings of claims in the application:

LISTING OF CLAIMS:

1. (previously presented): A separator for non-aqueous electrolyte secondary battery, wherein the separator comprises a shut-down layer, a heat-resistant microporous layer, and a spacer having a form of particles, fibers, net or porous film on the surface of the heat-resistant microporous layer,

wherein the heat-resistant microporous layer comprises at least one heat-resistant resin selected from resins having a temperature of deflection under load of 18.6 kg/cm² of 100°C or more, and

wherein the spacer comprises an organic fluorine-containing polymer.

2. (original): The separator for non-aqueous electrolyte secondary battery according to claim 1, wherein the heat-resistant microporous layer consists of heat-resistant resin.

3-4. (canceled).

5. (original): The separator for non-aqueous electrolyte secondary battery according to claim 1, wherein the spacer has a form of particles and a particle diameter of 3 µm or less.

6. (original): The separator for non-aqueous electrolyte secondary battery according to claim 1, wherein the static friction coefficient between the spacer-disposed separator surface and a stainless steel surface ground by a 1000 grit polishing paper is 0.5 or less.

7. (previously presented): The separator for non-aqueous electrolyte secondary battery according to claim 1, wherein the spacer is formed by coating an application liquid containing a fluorine-containing polymer on the surface of the heat-resistant microporous layer.

8. (previously presented): The separator for non-aqueous electrolyte secondary battery according to claim 7, wherein the application liquid is a suspension.

9. (canceled).

10. (previously presented): A non-aqueous electrolyte secondary battery including the separator for non-aqueous electrolyte battery according to any one of claims 1-2 or 5-8.

11. (original) The non-aqueous electrolyte secondary according to claim 10, wherein the spacer is adjacent to a cathode.

12. (previously presented): A separator for non-aqueous electrolyte secondary battery, the separator comprising a shut down layer, a heat-resistant microporous layer, and a spacer having a form of particles, fibers, net or porous film, on the surface of the heat-resistant microporous layer, wherein the heat-resistant microporous layer comprises at least one heat-

resistant resin selected from resins having a temperature of deflection under load of 18.6 kg/cm² of 100°C or more, and the shut-down layer, the heat-resistant microporous layer and the spacer being in this order, wherein the spacer comprises a fluorine containing polymer.

13. (previously presented): The separator for non-aqueous electrolyte secondary battery according to claim 1, wherein the thickness of the spacer is from 0.02 to 3 µm.

14. (new): The separator for non-aqueous electrolyte secondary battery according to claim 1, wherein the organic fluorine-containing polymer is selected from the group consisting of tetrafluoroethylene-hexafluoropropene and polytetrafluoroethylene.

15. (new): The separator for non-aqueous electrolyte secondary batter according to claim 1, wherein the organic fluorine-containing polymer comprises tetrafluoroethylene-hexafluoropropene.

16. (new): The separator for non-aqueous electrolyte secondary battery according to claim 1, wherein the organic fluorine-containing polymer comprises polytetrafluoroethylene.